

# **RURAL ENTERPRISES TASK FORCE**

## **DRAFT RECOMMENDATIONS**

**April 8, 2003**

The following topics were discussed during the meetings of the Rural Enterprises Task Force, the issues and recommendations are presented here in a question and answer format and organized by topic.

### **Cost of permits and permitting:**

Members of the task force agreed that obtaining a permit can be very costly and that permit fees and other related business expenses are particularly hard on small businesses. The County 2003 fee schedule shows a \$79 fee for a Type I preliminary plan review for a home occupation and a \$2,605 fee for a Type II preliminary plan review for a home occupation (the Type II fee is increased to \$5,106 for applicants following a code enforcement action). The task force understands that these fees may or may not be all inclusive, and that other fees and approvals may also apply.

### **Should County permit fees for home occupation permits be waived for the first year that the County implements the new ordinance?**

The task force recommends that all permitted home occupations should be required to pay the permit fee and that no waivers should be allowed.

### **What is a reasonable permit fee for permitted home occupations?**

The task force crafted the new ordinance to allow most permitted home occupations to use a Type I process to obtain a permit and reduce permitting cost. The task force recommends that the County should not charge more than it cost to process the permit. The task force understands that the BOCC establishes permit fees and agreed not to recommend a specific permit fees or fee limits. Members of the task force stressed that the fees should be reasonable; County policy of 90% cost recovery seemed reasonable.

### **Business registration**

The task force recommends that the County implement a free business registration program to track business activities in the County. The task force recommends that registration and permitting should be done simultaneously as a part of permitting for home occupations that require a permit. Registration for incidental home occupations, which do not require a permit, might be done via the County web site.

### **Implementation**

**Exemptions:** The task force is considering the possibility of an exemption for certain agricultural and forestry uses. The difficulty with this exemption is that contract loggers and farmers may reside on small parcels of resource or rural residential land. The task force did not wish to exempt potentially disruptive activities on small Rural parcels.

The task force is considering an exemption for pre-existing agricultural and forestry uses on parcels larger than 5 acres.

The task force recommends that the County treat agricultural and forestry uses on contiguous, undeveloped, parcels under single ownership as a single parcel for the purposes of the proposed matrix.

**Should the County allow “amnesty” for existing rural home occupations?**

The task force recommends that an amnesty period should be implemented that would encourage existing rural home occupations to comply with the new ordinance.

The task force recommends:

- An amnesty that forgives outstanding code enforcement fines for those that comply with the new ordinance before the end of the amnesty period.
- A 12-month amnesty period to allow home occupation operators to obtain a permit (and thus be eligible for amnesty).
- That the County initiate a campaign to raise public awareness regarding the new ordinance requirements to ensure that everyone has an opportunity to take advantage of the amnesty period.
- That only home occupations existing prior to the effective date (date of adoption) of the ordinance should be eligible for amnesty.

**Should the same standards and permitting processes be applied to existing (non-permitted) home occupations that apply to new home occupations?** The task force recommends that the same standards should apply to existing and proposed home occupations; however, certain exemption rules are being considered in the proposed ordinance for agricultural and forestry uses.

**Should all standards for accessory structures be applied to existing accessory structures? How should the standard be applied to existing AG buildings?** The task force believes that building codes are required to protect the health and safety of workers and customers of home occupations, and it is therefore necessary for all accessory structures to meet applicable uniform building codes (UBC) and fire safety regulations.

The task force recommends that building inspection should not be a formal part of the home occupation permitting process, but recognizes that it is the County’s responsibility to enforce building codes. The task force understands that building code enforcement actions may result following the home occupation permit process.

**What are some ideas that would make phasing work for neighbors and businesses?**

The task force recognizes that some operators will have to make significant changes in their business operations to comply with the new ordinance (i.e. relocating to industrial property), which may require a period longer than the 12 month amnesty period.

The task force recommends that when relocation is required that the operator should be allowed to continue business operations after the amnesty period has expired only if they are able to document progress toward achieving compliance (see also, recommendations regarding available land in Zoning Issues section).

### **Zoning Issues:**

The task force considers the supply of industrial land available for rural businesses to be perhaps the most significant problem that could not be addressed through the proposed ordinance. It is widely recognized that the County has little land that is properly zoned to receive businesses located in rural areas that may be too large to comply with the proposed standards. The task force believes that the proposed ordinance is only part of the solution to a larger issue: economic development in rural areas. The task force believes that the County should address the supply of rural land available to receive growing rural businesses, not only to mitigate the economic impact of the proposed ordinance on existing businesses, but also to ensure that economic opportunities will be available for rural residents in the future.

### **What is the best approach to solve this problem that is fair to larger businesses and creates a viable option for home occupations that “outgrow” their property?**

Land zoned for industrial uses; which might allow rural businesses to park and store their vehicles, equipment and building materials is insufficient, not evenly distributed throughout the County and prohibitively expensive.

The task force discussed the following options:

1. Alter other zones to allow such uses.
2. Increase the supply of land zoned for heavy industrial use.
3. Create a new zone specifically for this purpose.
4. Use a phased approach as industrial land becomes available.

The task force recommends making rural zones more lenient to allow uses that may be displaced by the proposed ordinance. For example, the MH zone should allow contractor storage yards as an interim use. Major structures should not be constructed for interim uses that might delay subsequent conversion to more intensive industrial uses. Site improvements necessary for interim uses may make MH land more attractive for heavy industrial uses.

The task force realizes that rezoning land to increase the supply of industrial land available for development in rural areas is a long and difficult process. The task force encourages the County start the process.

The task force does not believe that a new zoning designation is necessary.

The task force discussed the concept of allowing certain businesses, which are too large to comply with the proposed ordinance, to continue operation provided that no complaints on the business have been filed and that no suitable land for relocation is available. This “phased approach” might allow such businesses to continue to operate until either suitable land for relocation becomes available or the County receives complaints that cannot be resolved without enforcement action. The task force realizes that enforcement is a complaint-driven process.

**Code Enforcement and Complaints:**

Task force members understand that code enforcement is a complaint-driven process, because the County does not have the personnel or the funds to pursue violations independently.

**How do we guard against false complaints?**

Many members of the task force are opposed to the concept of anonymous complaints in principle, but realize that the state requires an anonymous complaint process. The task force believes that the County can take steps to minimize the number of uninformed or malicious complaints that are received by adding “malicious complaints” language to County policy.

**Should mediation be a required part of the complaint resolution process?**

The County can reduce “uninformed or malicious” complaints by requiring greater responsibility of those who file them and encouraging mediation. For example, the county might wish to require several steps before a complaint can be filed; such as, (1) first talk with your neighbor about the issue, (2) attempt to resolve the issue through mediation (County mediation service), (3) document the specific cause of the complaint, (4) complete a complaint form, and then (5) file a complaint.

**How does the enforcement process address single violations vs. multiple violations? Should a “continuum of enforcement” be applied, where multiple violations receive more enforcement attention?**

The County’s existing enforcement penalties (fines) escalate when multiple violations occur. The task force believes that this is an incentive to comply early in the enforcement process.